

CD:RR
F.#2005R00387

RECEIVED
In Chambers of
U.S.D.J. Gershon

MAR 1 2007

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

S U P E R S E D I N G
I N D I C T M E N T

Cr. No. 05-847 (S-2) (NG)
(T. 21, U.S.C.,
§§ 841(a)(1),
841(b)(1)(A)(i), 846,
952(a), 960(a)(1),
960(b)(1)(A) and
963; T. 18, U.S.C.,
§§ 2 and 3551 et seq.)

UNITED STATES OF AMERICA

- against -

CARLOS ALBERTO BEJARANO OSPINA,
also known as "Juancho,"
FERNANDO BEDOYA LOZANO,
PABLO JAVID RODRIGUEZ-MATASEA,
MARITZA CARDENAS DIAZ,
also known as "La India," and
MISEAL BERMUDEZ,

Defendants.

THE GRAND JURY CHARGES:

07CRIM. 579

COUNT ONE

1. On or about and between February 1, 2005 and March 5, 2005, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants CARLOS ALBERTO BEJARANO OSPINA, also known as "Juancho," FERNANDO BEDOYA LOZANO, PABLO JAVID RODRIGUEZ-MATASEA, MARITZA CARDENAS DIAZ, also known as "La India," and MISEAL BERMUDEZ, together with others, did knowingly and intentionally conspire to import a controlled substance into the United States from a place outside thereof, which offense involved one kilogram or more of a

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:

JUN 27 2007

A TRUE COPY
ATTEST
DATE.....
ROBERT O. HEINEMANN
BY.....
CLERK
DEPUTY CLERK

substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 952(a).

(Title 21, United States Code, Sections 963, 960(a)(1) and 960(b)(1)(A); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

2. On or about March 4, 2005, within the Eastern District of New York and elsewhere, the defendants CARLOS ALBERTO BEJARANO OSPINA, also known as "Juancho," FERNANDO BEDOYA LOZANO, PABLO JAVID RODRIGUEZ-MATASEA, MARITZA CARDENAS DIAZ, also known as "La India," and MISEAL BERMUDEZ, together with others, did knowingly and intentionally import a controlled substance into the United States from a place outside thereof, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a), 960(a)(1) and 960(b)(1)(A); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THREE

3. On or about and between February 1, 2005 and March 5, 2005, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants CARLOS ALBERTO BEJARANO OSPINA, also known as "Juancho," FERNANDO BEDOYA LOZANO, PABLO JAVID RODRIGUEZ-MATASEA, MARITZA CARDENAS DIAZ, also known as "La India," and MISEAL BERMUDEZ, together with

others, did knowingly and intentionally conspire to distribute and to possess with intent to distribute a controlled substance, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(i); Title 18, United States Code, Sections 3551 et seq.)

COUNT FOUR

4. On or about and between February 1, 2005 and March 5, 2005, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants CARLOS ALBERTO BEJARANO OSPINA, also known as "Juancho," FERNANDO BEDOYA LOZANO, PABLO JAVID RODRIGUEZ-MATASEA, MARITZA CARDENAS DIAZ, also known as "La India," and MISEAL BERMUDEZ, together with others, did knowingly and intentionally attempt to distribute and to possess with intent to distribute a controlled substance, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(A)(i); Title 18, United States Code, Sections 3551 et seq.)

COUNT FIVE

5. On or about and between February 1, 2005 and March 5, 2005, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants CARLOS ALBERTO BEJARANO OSPINA, also known as "Juancho," FERNANDO BEDOYA LOZANO, PABLO JAVID RODRIGUEZ-MATASEA, MARITZA CARDENAS DIAZ, also known as "La India," and MISEAL BERMUDEZ, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved one kilogram or more of a substance containing heroin, a Schedule I controlled substance.

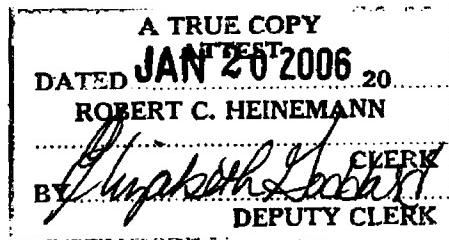
(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(i); Title 18, United States Code, Sections 2 and 3551 et seq.)

A TRUE BILL



James J. Flanagan
FOREPERSON

Roslyn R. Mauskopf
ROSLYNN R. MAUSKOPF
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK



U.S. Department of Justice

★ MAY 31 2007 ★

Rule 20 -- Transfer Notice

BROOKLYN OFFICE

To: United States District Court	District Eastern District of New York	Date May ___, 2007
Name of Subject: Fernando Bedoya-Lozano	Statute Violated 21 USC §§ 963, 960(b)(1)(A) 846, 841(b)(1)(A)	File Data (Initials and Number) 05 CR 847 (NG)

Part A -- District of Arrest

- The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.
- Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.
- Other (Specify): _____
- The above-named defendant entered a plea of guilty under Rule 20.

Date of Plea Date of Sentence Sentence

From (Signature and Title) <i>Michael J. Brown, U.S. Attorney by AUSA Clerk's Office</i>	Address U.S. Attorney's Office, Southern District of New York One St. Andrew's Plaza, New York, New York 10007
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Part B -- District of Offense

- I am agreeable to Rule 20 disposition.
- I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at _____ on _____ at _____ o'clock
- (Kindly notify me of any anticipated delay)
- Enclosed are two certified copies of indictment or information
- Please have defendant execute waiver of indictment.
- Other (Specify): _____

Signature (Name and Title) BY: <i>ACTING UNITED STATES ATTORNEY</i>	District Eastern District of New York	Date May 31, 2007
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See United States Attorney's Manual (92B-000) for explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.
PURSUANT TO FORM USA-231, Replaces OBD-101, Fed. 83 edition may be used

MJSELECT

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-00847-NG-2
Internal Use Only**

Case title: USA v. Ospina et al
Other court case number: 05m310 EDNY

Date Filed: 11/09/2005
Date Terminated: 06/12/2007

Assigned to: Judge Nina Gershon

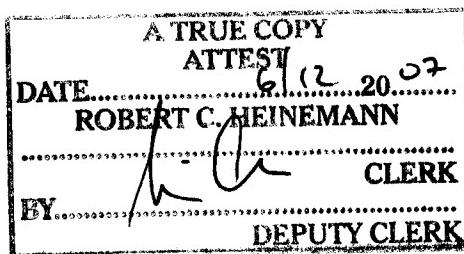
Defendant

Fernando Bedoya Lozano (2)
TERMINATED: 06/12/2007

represented by **Amanda Hector**
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017
212-455-2000
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Email: ahector@stblaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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(212) 625-3304
Fax: 212-625-3939
Email: sabrinashroff@yahoo.com
TERMINATED: 03/09/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment



Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

ATTEMPT/CONSPIRACY -
CONTROLLED SUBSTANCE -
DISTRIBUTE

(1)

ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(1s)

ATTEMPT/CONSPIRACY -
NARCOTICS -
IMPORTATION/EXPORTATION
(1ss)

CONTROLLED SUBSTANCE -
IMPORT
(2)

NARCOTICS - IMPORT
(2s)

NARCOTICS - IMPORT
(2ss)

CONSPIRACY TO DISTRIBUTE
CONTROLLED SUBSTANCE
(3-4)

CONSPIRACY TO DISTRIBUTE
NARCOTICS
(3s-4s)

CONSPIRACY TO DISTRIBUTE
NARCOTICS
(3ss-4ss)

CONTROLLED SUBSTANCE -
SELL, DISTRIBUTE, OR DISPENSE
(5)

NARCOTICS - SELL, DISTRIBUTE,
OR DISPENSE
(5s)

Disposition

Rule 20 transfer to the SDNY.

NARCOTICS - SELL, DISTRIBUTE,
OR DISPENSE
(5ss)

Rule 20 transfer to the SDNY.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Roger Anson Burlingame**
United States Attorneys Office
147 Pierrepont Street
Brooklyn, NY 11201
(718) 254-6422
Fax: 718-254-6481
Email: roger.burlingame@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/09/2005	①	SEALED INDICTMENT as to Juan Carlos Bejarno Ospina (1) count(s) 1, 2, 3-4, 5, Fernando Bedoya Lozano (2) count(s) 1, 2, 3-4, 5, Pablo LNU (3) count(s) 1, 2, 3-4, 5, Maritza Cardena Diaz (4) count(s) 1, 2, 3-4, 5, Miseal Bermudez (5) count(s) 1, 2, 3-4, 5. (Villanueva, William) (Entered: 11/23/2005)
11/09/2005		(Court only) ***Magistrate Judge Go chosen by random selection to handle matters that may be referred in case as to Juan Carlos Bejarno Ospina, Fernando Bedoya Lozano, Pablo LNU, Maritza Cardena Diaz, Miseal Bermudez (Villanueva, William) (Entered: 11/23/2005)
11/09/2005	⑥	ARREST Warrant Issued 11/9/05 by Kiyo A. Matsumoto in case as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz, Miseal Bermudez. (Guzzi, Roseann) (Entered: 01/27/2006)
11/16/2005	②	SEALED SUPERSEDING INDICTMENT (S-1) as to Carlos AlbertoBejarno Ospina (1) count(s) 1s, 2s, 3s-4s, 5s, Fernando Bedoya Lozano (2) count(s) 1s, 2s, 3s-4s, 5s, Pablo LNU (3) count(s) 1s, 2s, 3s-4s, 5s, Maritza Cardena Diaz (4) count(s) 1s, 2s, 3s-4s, 5s, Miseal Bermudez (5) count(s) 1s, 2s, 3s-4s, 5s. (Piper, Francine) Modified on 11/29/2005

		(Piper, Francine). (Entered: 11/29/2005)
11/16/2005	<u>⑦</u>	ARREST Warrant Issued by Marilyn D. Go in case as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz, Miseal Bermudez. (Guzzi, Roseann) (Entered: 01/27/2006)
12/30/2005	<u>③</u>	MOTION to Unseal Document No. 1, <i>the Indictment, give the Govt. 5 cc of the Indictment, and then reseal the Indictment</i> by USA as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo LNU, Maritza Cardena Diaz, Miseal Bermudez. (Vaughn, Terry) (Entered: 12/30/2005)
12/30/2005	<u>④</u>	ORDER granting Govt.'s motion for the sole purpose of giving the Govt. five certified copies of the Indictment as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo LNU, Maritza Cardena Diaz, Miseal Bermudez . Ordered by Judge Robert M. Levy on 12/29/05. (5 cc'd copies give to Govt.) (Vaughn, Terry) (Entered: 12/30/2005)
01/25/2006	<u>⑤</u>	Order to Unseal Case/Indictment as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo LNU, Maritza Cardena Diaz, Miseal Bermudez. (Ordered by Judge Marilyn D. Go on 1/20/06) (Piper, Francine) (Entered: 01/25/2006)
02/22/2007	<u>⑧</u>	Minute Entry for proceedings held before Robert M. Levy :Arraignment as to Fernando Bedoya Lozano (2) Count 1s,2s,3s-4s,5s held on 2/22/2007, Plea entered by Fernando Bedoya Lozano (2) Not Guilty on all superseded indictments. AUSA Roger Burlingame; Sabrina Shroff, Esq. present for the defendant. Spanish Interpreter: Piedad Botero. Time excluded from 2/22/07 to 3/21/07. Status Conference set for 3/21/2007 @ 10:00 AM before Judge Nina Gershon. (Tape #4:56-5:00pm.) (Clarke, Melonie) (Entered: 02/27/2007)
02/22/2007	<u>⑩</u>	(Court only) ***Excludable started 2/22/2007 as to Fernando Bedoya Lozano; ***Excludable(s) stopped 3/21/2007. (Clarke, Melonie) (Entered: 02/27/2007)
02/22/2007	<u>⑪</u>	ORDER TO CONTINUE - Ends of Justice as to Fernando Bedoya Lozano. Time excluded from 2/22/2007 until 3/21/2007. Ordered by Judge Robert M. Levy on 2/22/2007. (Clarke, Melonie) (Entered: 02/27/2007)
02/28/2007	<u>⑯</u>	ORDER OF DETENTION PENDING TRIAL as to Fernando Bedoya Lozano. Ordered by Magistrate Judge Robert M. Levy on 2/22/2007. (Clarke, Melonie) (Entered: 02/28/2007)
02/28/2007	<u>⑯</u>	CJA 20 as to Fernando Bedoya Lozano: Appointment of Attorney Sabrina P. Shroff. Ordered by Magistrate Judge Robert M. Levy on 2/22/2007. (Clarke, Melonie) (Entered: 02/28/2007)
03/01/2007	<u>⑰</u>	SUPERSEDING INDICTMENT (S-2) as to Carlos Alberto Bejarano Ospina (1) count(s) 1ss, 2ss, 3ss-4ss, 5ss, Fernando Bedoya Lozano (2) count(s) 1ss, 2ss, 3ss-4ss, 5ss, Pablo Javid Rodriguez-Matasea (3)

		count(s) 1ss, 2ss, 3ss-4ss, 5ss, Maritza Cardena Diaz (4) count(s) 1ss, 2ss, 3ss-4ss, 5ss, Miseal Bermudez (5) count(s) 1ss, 2ss, 3ss-4ss, 5ss. (Clarke, Melonie) (Entered: 03/07/2007)
03/09/2007	<u>•18</u>	ORDER based upon the letters submitted by counsel as to Fernando Bedoya Lozano, Mark J. Stein, Esq. added for Fernando Bedoya Lozano. Attorney Sabrina P. Shroff terminated in case as to Fernando Bedoya Lozano. So Ordered by Judge Nina Gershon on 3/7/2007. (Clarke, Melonie) (Entered: 03/09/2007)
03/14/2007	<u>•19</u>	MOTION for Leave to Appear Pro Hac Vice Pro Hac Vice by Fernando Bedoya Lozano. (Attachments: # <u>1</u> Affidavit of Mark J. Stein in Support of Motion to Admit Counsel Pro Hac Vice# <u>2</u> Exhibit A - Certificate of Good Standing# <u>3</u> Text of Proposed Order For Admission To Practice Pro Hac Vice) (Stein, Mark) (Entered: 03/14/2007)
03/14/2007	<u>•20</u>	MOTION for Leave to Appear Pro Hac Vice Pro Hac Vice by Fernando Bedoya Lozano. (Attachments: # <u>1</u> Affidavit of Amanda Hector in Support of Motion To Admit Counsel Pro Hac Vice# <u>2</u> Exhibit A - Certificate of Good Standing# <u>3</u> Text of Proposed Order For Admission to Practice Pro Hac Vice) (Hector, Amanda) (Entered: 03/14/2007)
03/21/2007	<u>•21</u>	Minute Entry for proceedings held before Judge Nina Gershon :Status Conference as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz, and Miseal Bermudez held on 3/21/2007; Defendants in custody, however they were not produced today. AUSA Roger Anson Burlingame. Mark J. Stein, Esq present for Fernando Bedoya Lozano and Stephen Mahler Esq. present for Pablo Javid Rodrigues-Matasea. Court Reporter: Mickey Brymer. (Clarke, Melonie) (Entered: 03/26/2007)
03/21/2007	<u>•</u>	(Court only) ***Excludable started 3/21/2007 as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz, and Miseal Bermudez:, ***Excludable(s) stopped 3/23/2007 (Clarke, Melonie) (Entered: 03/26/2007)
03/21/2007	<u>•27</u>	Minute Entry for proceedings held before Judge Nina Gershon :Status Conference as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz, and Miseal Bermudez held on 3/21/2007. AUSA Roger Burlingame; Defense attorneys present for defendants. Spanish Interpreter. Parties are working on discovery and plea discussions. Time excluded under the Speedy Trial Act from 3/21/2007 until 5/11/2007. Status Conference set for 5/11/2007 @ 10:00 AM before Judge Nina Gershon. (Court Reporter Anthony Frisolone.) (Clarke, Melonie) (Entered: 04/11/2007)
03/21/2007	<u>•</u>	(Court only) ***Excludable started 3/21/2007 as to Carlos AlbertoBejarano Ospina, Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz, Miseal Bermudez:, ***Excludable(s) stopped as to 5/11/2007 (Clarke, Melonie) (Entered:

		04/11/2007)
03/28/2007	<u>•22</u>	ORDER; granting Admission to practice Pro Hac Vice of Mark Stein, Esq. and Amanda Hector Esq. as counsel for deft. Fernando Bedoya Lozano (endorsed on ECF doc.#19 and 20). Ordered by Judge Marilyn D. Go on 3/26/2007. (Clarke, Melonie) (Entered: 03/28/2007)
05/11/2007	<u>•30</u>	Minute Entry for proceedings held before Nina Gershon :Status Conference as to Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz held on 5/11/2007. AUSA Roger Burlingame; Defts present with counsel. Speedy trial info entered, start 5/11/07 and stop 6/5/07. Status Conference set for 6/5/2007 at 02:30 PM before Judge Nina Gershon. (Court Reporter Lisa Schmid.) (Fernandez, Erica) (Entered: 05/11/2007)
05/11/2007	<u>•</u>	(Court only) ***Excludable started as to Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz: 5/11/07 ***Excludable(s) stopped as to Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz: 6/5/07 (Fernandez, Erica) (Entered: 05/11/2007)
06/01/2007	<u>•31</u>	Letter <i>Notifying Court of Rule 20 Transfer Filings</i> as to Fernando Bedoya Lozano (Attachments: # <u>1</u> Supplement Rule 20 Transfer Forms) (Burlingame, Roger) (Entered: 06/01/2007)
06/05/2007	<u>•34</u>	Minute Entry for proceedings held before Nina Gershon : For a Status Conference as to Carlos Alberto Bejarano Ospina, Fernando Bedoya Lozano, Pablo Javid Rodriguez-Matasea, Maritza Cardena Diaz, Miseal Bermudez held on 6/5/2007. Case called. Defendant Fernando Bedoya Lozano shall be transferred to Southern District of New York. Defendant Marita Cardena Diaz was transferred into this District. The parties request for more time to work on the disposition of this matter. Next status conference is scheduled for June 19, 2007 @ 11:00 am. Time is excluded under the Speedy Trial Act until then (Court Reporter Mickey Brymer.) (Sica, Michele) (Entered: 06/12/2007)
06/12/2007	<u>•</u>	CONSENT TO TRANSFER JURISDICTION (Rule 20) to Southern District of New York. Counts closed as to Fernando Bedoya Lozano (2) Count 1,1s,1ss,2,2s,2ss,3-4,3s-4s,3ss-4ss,5,5s,5ss. See document #31. (Chee, Alvin) (Entered: 06/12/2007)



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

F.#2005R00387

One Pierrepont Plaza

Brooklyn, New York 11201

*Mailing Address: 147 Pierrepont Street
Brooklyn, New York 11201*

June 1, 2007

By ECF

The Honorable Nina Gershon
Senior United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Fernando Bedoya Lozano
Criminal Docket No. 05-847 (NG)

Dear Judge Gershon:

The government writes to inform the Court that the attached Transfer Notice and Consent to Transfer Case for Plea and Sentence forms were filed with the Clerk's Office yesterday, initiating the transfer of the above-captioned case to the Southern District of New York for guilty plea and sentencing.

Respectfully submitted,

ROSLYNN R. MAUSKOPF
United States Attorney

By: _____
Roger A. Burlingame
Assistant U.S. Attorney
(718) 254-6422

cc: Daniel Shapiro, Esq.
Glen McGorty, Esq.

UNITED STATES DISTRICT COURT

ROBERT C. HEINEMANN
CLERK
JAMES GIOKAS
CHIEF DEPUTY

EASTERN DISTRICT OF NEW YORK

PLEASE REPLY TO:
BROOKLYN OFFICE
U.S. COURTHOUSE
225 CADMAN PLAZA EAST
BROOKLYN, NEW YORK 11201
 LONG ISLAND OFFICE
UNITED STATES DISTRICT COURT
100 FEDERAL PLAZA
CENTRAL ISLIP, NEW YORK
11722-4438

Clerk of Court
U.S. District Court - Southern District of New York
Daniel Patrick Moynihan US Courthouse
500 Pearl Street
New York, NY 10007

Re: USA v. Lozano
EDNY Case Number: 05-cr-847 (NG)
Date: June 12, 2007

Pursuant to the Consent to Transfer Jurisdiction (Rule 20), transferring this action to your court, the following documents are herewith enclosed:

- X Certified copy of Rule 20 Transfer
X Certified copy of docket sheet
X Certified copy of Superseding Indictment (S-2)
____ Other

Kindly acknowledge receipt of the above-cited documents on the enclosed copy of this letter.

Yours truly,

ROBERT C. HEINEMANN
Clerk of Court

By: Alvin Chee
(718) 613-2624
Deputy Clerk

Enc.